

RULES OF OPERATION

MORGAN CITY MUNICIPAL FIRE & POLICE CIVIL SERVICE BOARD

RULE I

MEETING OF THE BOARD:

- SECTION 1: The board shall hold one regular meeting within each quarterly period of the calendar year, in the months of January, April, July, and October. The board shall hold such special meetings as may be called by the chairperson or as provided in Revised Statute 33:2471 and those that follow.
- SECTION 2: Unless otherwise provided in the notice for such meetings, all meetings shall be held at City Court Building, Morgan City, Louisiana.
- SECTION 3: Notice of regular meetings shall be given by posting such notice in the city hall or at the building in which the meeting is to be held, not less than five (5) days before the date fixed for such meeting, unless otherwise provided by law. Such notice shall state whether the meeting is regular or special, and shall include the date, time, place, and agenda of the meeting, provided that upon approval of two-thirds of the members present at a meeting of a public body, the public body may take up a matter not on the agenda.
- SECTION 4: Special meetings of the board will be held only upon call of the chairman, or in his absence the vice-chairman, or as provided by Revised Statute 33:2471, and those that follow.
- SECTION 5: All board meetings shall be open to the public, except when the board meets in executive session as provided for in Revised Statute 42:4.1, and those statutes that follow except that investigations undertaken and initiated by the Board shall not be open to the public (R.S. 33:2477(4) and 5; and 33:2500(c)).
- SECTION 6: All board members must be notified not less than five (5) days preceding all regular board meetings. Special meetings may be held upon twenty- four hour notice, as provided by law.
- SECTION 7: Four members of the board must be present to constitute a quorum of the board. Concurring votes of three members are necessary for decision of all matters before the board.

RULE II

SUBJECT MATTER OF MEETINGS:

- SECTION 1: At regular meetings of the board it shall consider all old and new business which may be brought to its attention in the manner hereinafter provided.
- SECTION 2: At special meetings, the board shall consider only those items of business for which the meeting was called, except that by agreement of two-thirds of the board members other matters may be considered.

RULE III

ORDER OF BUSINESS:

- SECTION 1: At regular meetings the order of business shall be as follows:
1. Reading of the minutes
 2. Special and general reports
 3. Decisions and orders on matters considered at previous hearings and meetings.
 4. New business.
- SECTION 2: At special meetings the order of business shall be as follows:
1. Reading of minutes
 2. Decisions and orders on matters considered at previous hearings and meetings.
 3. Hearing of matters previously fixed for the special meeting.

RULE IV

EXECUTIVE SESSIONS:

- SECTION 1: The board, if required, will meet in executive session during regular or special meetings, by two-thirds vote of those present when considering those matters which may be discussed under provisions of Revised Statute 42:6.1, (relative to exceptions to open meetings). Any voting on matters discussed in executive sessions shall be conducted **only** upon return to public meeting.

RULE V**APPLICATION FOR APPEALS AND HEARINGS:**

- SECTION 1: Any person authorized to appeal to the board under the provisions of Civil Service Law may apply for such an appeal by a written notice giving a clear and concise statement of the action complained against, the basis of the appeal, and the relief sought. Application for appeals to the board under the provisions of R.S. 33:2501 of Civil Service Law shall be made only by regular employees in the classified service and shall be limited to matters involving discharge, corrective or disciplinary action and the application shall so state. All other requests for hearings shall set forth the section of Civil Service Law under the application is brought and shall contain a statement of the jurisdiction of the board. All applications for appeals and other hearings must be signed by the applicant or his counsel, if any, and must give the full name and post office address of the appellant and of his counsel. Written notice shall be filed with the chairperson of the board or the board official so designated to receive such applications.
- SECTION 2: No appeal shall be effective unless the above stated notice is filed within fifteen (15) days following the action complained against, or where written notice is given of an action to be thereafter effective, within the fifteen (15) days following the date on which such written notice is given.
- SECTION 3: The secretary of the board shall cause the date of filing to be noted on each notice of appeal and shall file said appeal on the appeals docket, giving the said appeal an appropriate title.

RULE VI**PROCEDURE ON APPEALS:** (Revised Statute 33:2501)

- SECTION 1: All hearings on appeals shall be open to the public.
- SECTION 2: Parties shall have the right, but shall not be required, to be represented by counsel. When any party is represented by more than one attorney, only one attorney for any party shall be

permitted to examine the same witness.

SECTION 3: The rules of evidence as applied in civil trials before the courts of this state need not be strictly complied with, but the board shall limit evidence to matters having a reasonable relevance to the issues before the board. The burden of proof, as to the facts, shall be on the appointing authority except in those cases where the employee alleges discrimination based on political or religious beliefs, sex, or race.

SECTION 4: Parties and witnesses shall be subject to cross-examination as in civil trials. The board looks with favor upon stipulations of undisputed facts. The appointing authority shall be first to present evidence and testimony followed by the evidence and testimony of the appellant. Board members and the attorney for the board may ask questions of witnesses.

SECTION 5: The board may, on request of any party or on its own motion, place witnesses other than parties under the rule of the board and thus exclude them from the hearing room.

SECTION 6: Any party desiring the issuance of a subpoena for the attendance of a witness or the production of books or papers must apply for appropriate order, to the board, in writing at least eight (8) days before the time fixed for the hearing. Such application shall state the purpose of the subpoena and what evidence or testimony is sought by the issuance of the subpoena and be accompanied by a subpoena service fee of \$5.00 for each subpoena requested.

SECTION 7: The written rules, regulations, and procedures of the civil service board and Revised Statute 33:2471 and those that follow will be the basis of all hearings and appeals.

RULE VII

DISMISSAL OF APPEALS:

SECTION 1: If the appellant or the appointing authority fails to appear at the place and times fixed for any hearing, his appeal may be dismissed or the board may, in its discretion, continue the case or proceed with the hearing and render its decision upon such evidence as may be adduced at

the hearing.

RULE VIII

TRANSCRIPTS OF HEARINGS:

SECTION 1: If any party to the hearing desires a permanent transcript of the hearing, the party shall furnish a court reporter for said purpose at their own expense. Where a court reporter is furnished by the board, the first copy of the original of the transcript shall be filed with the board and shall become part of the permanent record of any subsequent appeal. Where no court reporter is furnished, the secretary of the board shall maintain as complete notes as is feasible and the board will issue a written finding of fact.

RULE IX

OTHER HEARINGS:

SECTION 1: All other hearings of the board shall be instituted and shall be conducted in accordance with the above and foregoing rules and Civil Service Law in general.

RULE X

APPLICATION FOR ADMISSION TO TEST:

SECTION 1: Test for entry upon promotional and competitive employment list shall be advertised for and administered in accordance with R.S. 33:2492 of Civil Service Law. Test for entrance upon competitive employment list may be given as the needs of the service require as determined by the civil service board. Test for entry upon promotional employment list may be given after existing list is twelve (12) months old and not yet expired and shall be given at least one time during each successive period of eighteen (18) months.

SECTION 2: Applications for admission to tests on board approved forms, will be received by those individuals designated by the board at any time before final date for receiving applications. Applications shall be received not later than

4:00 p.m. on the date designated for receipt of applications; applications received after 4:00 p.m. deadline shall be rejected. Approved applicants will be notified at least five (5) days in advance of the date fixed for the exam. Individuals designated to receive applications will forward such applications to the board secretary and shall be kept as a permanent record of the board in accordance with Civil Service Law.

SECTION 3: Promotional and competitive employment lists shall be maintained by the board for eighteen (18) months.

SECTION 4: Admission to tests shall be governed by provisions of R.S. 33:2493 of Civil Service Law. and the qualification requirements of the classification plan.

SECTION 5: When results of any examination are furnished to the board by the State Examiner, the Chairperson shall forthwith call the board for a special meeting for approval thereof. Employment lists shall become effective upon approval of and by a majority of the board and filing of the same by the board with the State Examiner.

RULE XI

DISTRIBUTION OF BOARD RULES:

SECTION 1: A copy of the board rules shall be distributed to each board member, governing body one copy, Police Chief and Fire Chief, and police and fire station bulletin boards.

SECTION 2: A copy of the board rules shall be given on request to an appellant or his counsel prior to a hearing.

RULE XII

LEAVES OF ABSENCE, HOLIDAYS, AND BOARD RULES:

SECTION 1: Leaves of Absence--Police and Fire

- A. Leaves of absence are classified as follows:
1. Leave of absence with pay
 2. Leave of absence without pay
 3. Absence without leave and pay

4. Administrative leave - The appointing authority may grant administrative leave with pay for periods not to exceed thirty (30) days when circumstances develop that would warrant the removal of an employee from the department without disadvantage in order for the appointing authority to conduct an investigation concerning the conduct of the employee. This period may not be extended beyond thirty (30) days without approval of the civil service board.
5. Leaves of absence with or without pay may be made by the Appointing Authority, and shall be made when required by law or these rules, to employees working in the Classified Service, provided, all such leaves shall be granted and used in accordance with the provisions and subject to the purposes and conditions as hereinafter provided.
 - a. All said leaves shall be issued in writing and shall set forth the effective dates and purposes thereof. A signed copy of each such leave shall be furnished the Board within fifteen (15) days of its effective date by the Appointing Authority.
 - b. The right to regulate the time at which any employee may take an annual leave, or any other which is not beyond the control of the employee, shall be vested at all times with the Appointing Authority.
 - c. No leave shall be granted to or used by an employee in the Classified Service for the purpose of such employee engaging himself in other employment.
 - d. The Board expressly reserves the right to investigate and set aside any leave granted or used contrary to the provisions and purposes of these rules; or to take any other action it deems necessary or proper under the authority of the Civil Service Law.
 - e. All requests for leave of absence without pay shall be in writing, addressed to the department chief and signed by the applicant, stating the purpose for which leave is requested. Whenever the department chief has acted upon said request, either to grant or deny same, such action shall be in writing and shall be reviewed by the appointing authority, one copy of the request and the action of the appointing authority shall be attached to the employee's service record and become a part

thereof.

B. Sick leave:

1. Each employee of the classified service shall be entitled to and be given, with full pay, sick leave aggregating not less than fifty-two (52) weeks during a calendar year for any sickness or injury or incapacity not brought about by the employee's own negligence or culpable indiscretion. Any employee of the classified service who draws such full pay during sick leave shall have such pay decreased by the amount of workman's compensation benefits actually received by such employee. Classification of leave of absence for the forementioned will be "Leave of Absence With Pay".
2. Sick leave shall not be used for absences because of attendance to personal affairs. Any employee on sick leave is required to diligently pursue full recovery and any activity that may be contrary to this endeavor may be the basis for disciplinary action, which could include termination. It is **NOT** the intent of this policy to restrict an employee on sick leave, but to discourage any activity that may be contrary to the diligent pursuit of full recovery. Therefore, when appropriate, the Department Chief or designated representative may not restrict an employee on sick leave to his/her place of domicile if that employee's illness or injury would not be hampered by doing so.
3. When an employee of the classified service is ill and cannot report for duty, it is the employee's responsibility to notify the supervisor or the person designated by the chief of the department well in advance of shift changes. Failure to call, as indicated above, will result in the forfeit of pay, as it is classified as "absence without leave and pay" and may result in disciplinary action.
4. Sick leave is applicable to maternity claims. Maternity leave commences when a doctor certifies that the employee cannot perform all of the duties of her position and light duty within her classification is not available.
5. No cash payment may be made for accumulated sick leave.
6. Should any illness last longer than one (1)

calendar day, the employee is required to submit a doctor's certificate indicating the illness or condition which justified the absence, as well as the probable duration of the illness. For failure to produce a doctor's certificate for any illness over one (1) day, the employee will be classified as "absent without leave and pay".

7. Employees shall be allowed to report in sick three (3) times for a one (1) day illness during the calendar year without a doctor's certificate. Abuse of this privilege shall result in disciplinary action.
8. For any illness which extends beyond one (1) day, the doctor's certificate must give the diagnosis of the illness, and an indication of the employee's capability to return to full duty.

C. Funeral Leave

1. A maximum of two (2) working days funeral leave, with pay, will be allowed for the following specified relations of employee: spouse, mother/father, son/daughter, brother/sister and step-children. In the case of grandfather/grandmother, grandchildren, mother-in-law/father-in-law, aunt or uncle, one (1) day funeral leave will be granted to an employee. Leave over the days stated will be charged against annual leave or will be without pay. In the event of out-of-town deaths, a maximum of three (3) days will be allowed.
2. If an employee has a death in his immediate family and cannot report for duty, it is the employee's responsibility to notify the supervisor or the person designated by the Chief of the Department well in advance of shift change.

D. Examinations

Each employee of the classified service shall be granted "leave of absence with pay" to take any municipal fire and police civil service examination.

Provisional employees are granted "leave of absence with pay" to take a municipal fire and police civil service examination for the class which they hold

provisionally.

E. Civil Leave

Absence because of jury duty is "leave of absence with pay." However, the jury notice must be presented to the chief of the department or to the person designated by the chief to receive such notice at least five (5) days in advance of such jury duty. An employee shall be authorized to take leave time when performing jury duty, or when subpoenaed to appear before a court, public body, or commission, on departmental business, or when performing emergency or civilian duty in connection with national defense.

Each departmental member of the civil service board shall be granted leave of absence with pay for the duration of any civil service board meeting which the employee representative attends, or for any time required to assist with civil service examinations.

F. Military Leave with Pay

An employee shall be authorized to take leave without loss of pay or vacation leave time when performing emergency military duty or participating in the two-week annual training duty required by membership in a reserve unit of the United States Armed Forces or the Louisiana National Guard, for a maximum of fifteen (15) days, as provided by Revised Statute 42:394. Each member of the classified service shall give such notice of ordered duty at least thirty (30) days in advance to the chief of the department and this board, if known by him. Should the employee be called out on an emergency basis, he should contact his supervisor, the chief of the department, or the person designated by him to receive such notice.

G. Military Leave without Pay

Any regular and permanent member of the classified service called into the Armed Forces, will be carried on military leave without pay until the employee returns to duty. The employee is required to notify the chief of the department or the person designated by him to receive such notice and this board when he receives such notice.

Any regular and permanent member of the classified service who is called into the Armed Forces will be allowed to take whatever annual leave to which the employee may be entitled.

Provisional employees will not be granted a military leave of absence. They shall be required to resign or be dropped from service.

Any member of the classified service who is a member of the National Guard or in the Reserves of the Armed Forces, upon being ordered to active duty, shall be given any leave due the employee in Section F. Should the individual have used all leave to which the employee is entitled (in Section F), then the employee shall be granted military leave without pay.

H. Annual Leave - Fire and Police

Police Department

1. Each full-time employee of the classified Police service after having served one (1) year, shall be entitled to an annual vacation of 152 hours with full pay. This vacation period shall be increased 8 hours for each year of service over ten (10) years, up to a maximum of 240 hours, all of which shall be with full pay.
2. Each employee may divide vacation leave into separate periods, the total of which shall not exceed the employee's total vacation time earned.
 - a. The first vacation period shall be at least eighty (80) hours in length.
 - b. Each subsequent vacation period shall be at least twenty-four (24) hours in length, up to the remainder of the employee's vacation time earned.
 - c. The Department Chief or his designee may approve or deny vacation divisions based on Departmental need and function and circumstance.
 - d. The Department Chief or his designee may alter vacation divisions on a case-by-case basis to accommodate the needs of the Department or exigent needs of an employee.
3. No cash payment may be made in lieu of a vacation.
4. All employee vacation schedules shall be made with employees having the greatest departmental seniority in their class or position being allowed priority in scheduling.
5. The appointing authority or his designee has the right to regulate the time at which any employee is granted annual leave as provided in R.S.

33:2497.

6. Vacation time shall be considered and calculated as hours worked for the computation of overtime or compensatory time.

Fire Department

1. Each full time employee of the classified service, after having served one year, shall be entitled to an annual vacation of nineteen (19) calendar days with full pay. This vacation period shall be increased one day for each year of service over ten (10) years, up to a maximum vacation period of thirty (30) days all of which shall be with full pay. The vacation privileges herein provided for shall not be forfeited by any member of the department for any cause, nor may any cash payment be made in lieu of vacation.
2. Vacation leave (9 calendar days) may be taken after the first six (6) months of continuous employment. Nineteen (19) calendar days of vacation may be taken after one (1) year of continuous employment if nine (9) calendar days were not taken after six (6) months service.
3. Each employee may divide vacation leave into two separate periods, the total of which shall not exceed the employee's total accrued vacation leave time. No cash payment may be made in lieu of a vacation.
4. All employee vacation schedules must be approved by the supervisor at least two (2) weeks before any vacation is to begin. Employees with the greatest departmental seniority will have priority on the scheduling; However, the appointing authority has the right to regulate the time at which any employee is granted annual leave as provided in Revised Statute 33:2497.

I. Holidays

Each member of the classified service shall be granted "Leave of Absence with Pay" on the following legal holidays:

1. Christmas
2. New Year's Day
3. July 4
4. Labor Day
5. Thanksgiving Day

6. National Memorial Day
7. Mardi Gras Day
8. Good Friday
9. Martin Luther King Day
10. Floating Holiday

Should a member of the classified service work assignment be such that the employee is scheduled to work on a legal holiday as set by this board, the employee will be paid an additional compensation of one (1) times the normal rate of pay. However, governing authorities, at their option, may grant employees time off from work for which such additional compensation would be due and payable to said employees.

J. Special Leave - Seniority

Special leave without pay up to thirty (30) days may be granted by the appointing authority when such leave would be in the departmental interest. Any special leave, with or without pay, exceeding thirty (30) days must first be approved by the civil service board and if approval is granted the board will determine, at that time, if departmental seniority is to be interrupted or continued.

K. Expiration of Leave

Any employee who fails to report for duty upon the expiration of any authorized leave will be considered to have resigned from the departmental service on the calendar day following leave expiration.

L. Family Medical Leave

Each full-time employee of the classified service after having served one (1) year, shall be entitled up to twelve (12) weeks of unpaid leave, without credit for departmental seniority when appropriate documentation is supplied to the Appointing Authority for those reasons provided by Public Law 103-3 (Family and Medical Leave Act of 1993).

An employee will be required to first exhaust any or all compensatory time and any or all accumulated leave time before being granted unpaid leave without seniority.

M. Leave for Specialized Disaster Service Volunteer

1. Any employee who is a trained disaster volunteer of the American Red Cross may be

granted leave from his regular work assignments, with pay, and without loss of seniority, annual leave, sick leave, or earned overtime or compensatory time accumulation, for any period not to exceed fifteen (15) work days in any twelve (12) month period, to participate in specialized disaster relief services for disasters designated at Level III or above in the American Red Cross Regulations and Procedures.

2. Leave may be granted upon written request of the employee to the appointing authority which shall include certification of the employee as a trained American Red Cross disaster volunteer, the nature and location of the disaster, anticipated duration of the leave, nature of services required, certification by an official of the American Red Cross that the employee's services are needed, and the identity and title of the official of the American Red Cross to whom the employee is to report.

RULE XIII

Morgan City Fire Department - Policy for buying, selling, and trading of compensatory time

In order to implement this type of policy it should be understood that this would only be allowed between employees of the same rank.

Firemen, Operators, and Captains would be allowed to buy, sell, or trade comp time that they have earned provided that it is documented showing who sold it and the person who received it. Compensatory time can also be traded buy only with someone of the same rank.

In the event of an emergency a senior employee may elect to give a lower class employee comp time if he desires but this time is not returnable.

Furthermore, an employee that is nearing retirement would be discouraged from buying comp time unless it is used within a week of it being purchased and only from someone of the same rank. Any comp time not actually earned is not the responsibility of the City of Morgan City should an employee get fired, quits, or retires.

Only 48 hours will be allowed to be purchased at a time and only

once a month taking into account that they shall not go over the allotted number of hours allowed by state law. This policy can be monitored and adjusted to be sure that it meets the needs of the employee as well as the employer.

Hours shall not be purchased just to bank them for later use. In the event of an unforeseen emergency, employee will be allowed to purchase a maximum of 72 hours.

The chief of the department only at this time must approve all request until any possible problems are worked out. If the chief is not available an assistant chief can approve this request if all rules are followed.

RULE XIV

CIVIL SERVICE APPEAL CODE OF CONDUCT

I. General Hearing Room Conduct

- (1) No person may engage in any conduct that would be disruptive to the business of the board.
- (2) Attorneys must help to maintain the dignity of the hearing room.
- (3) No one is allowed inside the rail except for attorneys, litigants, officers of the board, and anyone else the board specifically authorizes.
- (4) The chairman may prohibit the use of electronic transmitters, receivers, entertainment devices such as cellular telephones, beepers, computer disc players, etc., in the hearing room, subject to R. S. 42:8.

II. Attorney Conduct

- (1) No one may represent a party in any proceeding except counsel of record, unless allowed to do so by law.
- (2) As a general rule, attorneys desiring to address the board in opening and closing statements shall do so while standing, attorneys may be seated while questioning of witnesses. Unless directed otherwise by the chairman all documents shall be handed to the secretary who shall hand them to the chairman.
- (3) Private conversation or conference between attorneys or others in attendance during any board session should not be disruptive to the proceedings.

- (4) Attorneys shall address all remarks, objections, and comments to the board, never opposing counsel. Impromptu argument or discussion between counsel will not be permitted.
- (5) Attorneys shall speak and write civilly and respectfully in all communications with the board.
- (6) Attorneys shall be punctual and prepared for all board appearances so that all hearings and conferences may commence on time; if delayed, attorneys shall notify the board and counsel, if possible.
- (7) Attorneys shall be considerate of the time constraints and pressures on the board and board staff inherent in their efforts to administer civil service appeals.
- (8) Attorneys shall not engage in any conduct that brings disorder or disruption to the hearing room. Attorneys shall advise their clients and witnesses appearing before the board of the proper conduct expected and required there and, to the best of their ability, prevent their clients and witnesses from creating disorder or disruption.
- (9) Attorneys shall not knowingly misrepresent, mischaracterize, misquote, or miscite facts or authorities in any oral or written communication to the board.
- (10) Attorneys shall not engage in ex parte communication with any board member on any pending action.
- (11) All parties and their attorneys shall comply with all requests of the board or its legal counsel related to pre-hearing procedure including, but not limited to, discovery deadlines, pre-hearing conferences, witness and exhibit lists, and pre-hearing memorandum. Attorneys shall make all reasonable efforts to resolve as many disputed issues of law and evidence prior to the hearing as possible.

III. Enforcement

- (1) Anyone violating any of these rules shall be subject to remedial action of the board including, but not necessarily limited to, warning, reprimand, restraint and removal from the hearing process.
- (2) All remedial action shall be commensurate with: a) the extent that the violation has disrupted the hearing process, b) past violations by the same person, and c) the likelihood that the person will continue to

violate these rules.

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	01-18-01
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